

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 35-43 and 45-57 are cancelled. Claims 1-34, 44, and 58-61 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 2-34 and 58-61 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 1-34, 44, and 58-61 were rejected under 35 U.S.C. § 102(b) as being anticipated by Walker (U.S. Patent No. 5,794,207). Applicant submits that the claims are patentably distinguishable over the relied on sections of Walker.

Independent claims 1 and 44 have been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found at, e.g., Fig. 7 and pages 15-16, 31-32, and 35-38 of the specification.

As amended herein, claim 1 recites:

receiving buying request data representing a buying order and a buying condition for the right of use of the encrypted content digital data, the buying request data being transmitted through the communication network[.]

(Emphasis added.) The relied on sections of Walker neither disclose nor suggest a buying order for a right of use of encrypted content digital data. Moreover, the relied on sections of Walker neither disclose nor suggest a buying condition for a right of use of encrypted content digital data. Further, the relied on sections of Walker neither disclose nor suggest buying request data representing a buying order and a

buying condition for a right of use of encrypted content digital data.

Rather, such sections of Walker are concerned with an exchange of goods between a buyer and a seller and that such goods may involve delivery of physical goods or may involve delivery of digital goods, such as documents, tickets, access codes, etc. (See col.20 ll.30-40.) These sections are not concerned with content digital data and are not concerned with a right of use of encrypted content digital data. Hence, the the relied on sections of Walker do not disclose or suggest the features set forth in the above excerpt of claim 1.

Amended claim 1 also calls for:

receiving selling request data representing a selling request and a selling condition for the right of use of the encrypted content digital data, the selling request data being transmitted through the communication network[.]

(Emphasis added.)

For at least the reasons set out above, the relied on sections of Walker do not disclose or suggest a selling request for a right of use of encrypted content digital data, the relied on sections of Walker do not disclose or suggest a selling condition for a right of use of encrypted content digital data, and the relied on sections of Walker do not disclose or suggest selling request data representing a selling request and a selling condition for a right of use of encrypted content digital data.

Amended claim 1 further calls for:

deciding a transaction price for the right of use of the content digital data corresponding to the received buying request data and the received selling request data[.]

(Emphasis added.)

For at least the reasons set out above, the relied on sections of Walker neither disclose nor suggest a transaction

price for a right of use of content digital data, the relied on sections of Walker neither disclose nor suggest a transaction price for a right of use of content digital data corresponding to received buying request data, and the relied on sections of Walker neither disclose nor suggest a transaction price for a right of use of content digital data corresponding to received selling request data.

Amended claim 1 still further calls for:

wherein the encrypted content digital data are converted into usable data by a decryption process performed in accordance with auxiliary digital data corresponding to the content digital data, and the auxiliary digital data includes validation period data indicating a period in which the encryption key may be used and limit period data indicating a period in which the encrypted content digital data may be reproduced.

(Emphasis added.)

As pointed out in the Amendment dated December 18, 2008, the relied on sections of Walker do not disclose or suggest validation period data indicating a period in which the encryption key may be used, and the relied on sections of Walker do not disclose or suggest limit period data indicating a period in which the encrypted content digital data may be reproduced.

It follows, for at least the above reasons, that the relied on sections of Walker do not disclose or suggest the combination defined in claim 1 and therefore do not anticipate the claim.

Independent claim 44 recites features similar to those set out in the above excerpt of claim 1 and is therefore patentably distinguishable over the relied on sections of Walker for at least the reasons set out above.

Claims 34, 44, and 58-59 depend from claim 1, and claims 60-61 depend from claim 44. Therefore, each of these

claims is distinguishable over the relied on sections of Walker at least for the same reasons as its parent claim.

Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 102(b).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 7, 2009

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